

**MONTGOMERY COUNTY COURT OF COMMON PLEAS
ORPHANS' COURT DIVISION**

PROTOCOL FOR RETURN TO IN-PERSON COURT PROCEEDINGS

July 14, 2021

1. Beginning June 1, 2021, some Montgomery County Orphans' Court Division Proceedings have resumed or will be scheduled as In-Person Hearings in Courtrooms 14 and 15. Scheduling Orders and Preliminary Decrees will specify the courtroom location (or virtual nature) of each hearing.
2. Proceedings remaining **Virtual for all parties and witnesses** at this time:
 - a. Assisted Reproduction Petitions
 - b. Audit Lists
 - c. Emergency Guardianship Hearings
 - d. Emergency medical decision or end-of-life hearings
 - e. Uncontested Termination of Parental Rights Hearings
 - f. Uncontested Adoptions
 - g. Conferences (status conferences, pre-trial conferences)
 - h. Rules Returnable
 - i. Guardianship of the Person of a Minor
3. With respect to all in-person hearings, all parties seeking to have a party or witness testify virtually, must request leave of the Court for such virtual testimony, with the exception of an alleged incapacitated person in a guardianship matter who may elect to participate either in person or virtually.
4. Procedures to request virtual participation:
 - a. **General:** Requests for virtual testimony shall be made by **e-mail** to the Judicial Assistant of the Judge assigned to the case, **and** to Ashley Kodet, Orphans' Court Administrator, with copies to all other parties and counsel, at least one week prior to the hearing date. Please use the following email addresses:
 - i. Ashley Kodet, akodet@montcopa.org
 - ii. Carol Piantone (Judge Murphy's assistant), cpianton@montcopa.org
 - iii. Karen Copestick (Judge Weilheimer's assistant), kcopesti@montcopa.org
 - b. **Stipulation:**
 - i. If all parties agree and file a stipulation in writing with the Clerk of the Orphans' Court at least one week prior to the hearing, the hearing may,

upon approval by the Judge, be conducted with all parties and counsel participating virtually; or

- ii. if the parties stipulate to the virtual testimony of one or more designated witnesses, the hearing will be conducted in person and, upon approval of the Judge, arrangements will be made for such virtual testimony. (See attached form for Stipulation.)

c. **Guardianship Hearings:**

- i. The alleged incapacitated person may attend virtually without leave of the Court, provided that counsel for the incapacitated person must contact the Judge's Judicial Assistant and the Orphans' Court Administrator, at least one week prior to the hearing by e-mail, with copies to all other interested parties, to request a zoom link.
- ii. Other attorneys or self-represented parties requesting that a party or witness testify virtually must make such request by e-mail, as provided above, at least one week prior to the hearing.

d. **Trials of contested matters scheduled following a Pre-Trial Conference:**

Any party requesting that a party or witness testify virtually must make a request orally or in writing or by e-mail at or before the Pre-Trial Conference identifying the parties or witnesses requesting to testify virtually. Upon approval of such a request, the Court will issue an order including a Zoom link for the trial date.

e. **Other in-person court proceedings scheduled without a Pre-Trial Conference:**

Any party in any other type of matter requesting that a party or witness testify virtually must make a request by e-mail, as provided above, at least one week prior to the hearing date. Upon approval of such a request, the Court will issue a new order including a Zoom link for the hearing date.

MONTGOMERY COUNTY COURT OF COMMON PLEAS

ORPHANS' COURT DIVISION

20__-X__

In Re: _____

STIPULATION FOR VIRTUAL PROCEEDING

1. The above-captioned matter is scheduled for a hearing on _____, 2021, at _____ .m., in Courtroom ___.
2. All counsel and all unrepresented parties have signed this stipulation have agreed to request that the Court approve the following:

___ The hearing shall be conducted virtually, and the Court is asked to provide a Zoom link to all parties and counsel;

___ The parties agree that the hearing will proceed in person, provided that the following named witness or witnesses shall be permitted to testify virtually:

Signature

Name

Name of Party Represented

Address

Address

E-mail address

Telephone number

Signature

Name

Name of Party Represented

Address

Address

E-mail address

Telephone number